

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	
	)	Case No. 1:17-cr-13
v.	)	
	)	Judge Travis R. McDonough
JERMICHAEL S. BROOKS	)	
	)	Magistrate Judge Christopher H. Steger
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**ORDER**

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Magistrate Judge Christopher H. Steger filed a report and recommendation recommending that the Court: (1) grant Defendant’s motion to withdraw his not guilty plea as to Count 2 of the Indictment; (2) accept Defendant’s guilty plea as to Count 2 of the Indictment; (3) adjudicate the Defendant guilty of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. (Doc. 23.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s report and recommendation (Doc. 23) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant’s motion to withdraw his not guilty plea as to Count 2 of the Indictment is **GRANTED**;
2. Defendant’s plea of guilty to Count 2 of the Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **September 22, 2017**, at **2:00 p.m.** before the undersigned.

**SO ORDERED.**

*/s/Travis R. McDonough*

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**